

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

Plaintiff,

CASE NO.: 00 6032 CR ZLOCH

vs.

Florida Bar No.: 198242

LIONEL J. HANNA

Defendant.

MOTION TO SEVER COUNT IV FROM COUNTS I THROUGH III

COMES NOW the Defendant LIONEL J. HANNA, by and through his undersigned attorney, and pursuant to Fed. R. Crim. Pro. 14 moves this Honorable Court enter an order severing Count IV from Counts I through III in this cause in support of which he states the following:

1. That Defendant is presently charged before this Honorable Court in a superseding indictment in Count I with Possession with Intent to Distribute Cocaine in Excess of 5 Kilograms in violation of 21 USC §841 (a)(1) and 18 USC §2, in Count II with Possession with Intent to Distribute Crack Cocaine in Excess of 5 Grams in violation of 21 USC §841 (a) (1) and 18 USC §2, in Count III with Possession of a Firearm in Furtherance of a Drug Trafficking Offense in violation of 18 USC § 924 (c) and §2, and in Count IV with Possession of a Firearm by a Convicted Felon in violation of 18 USC §922 (g) (1).

2. That Defendant is prejudiced by the joinder of Count IV with Counts I through III in the same trial as joinder of Count IV in the same trial will allow admission into evidence of Defendant's prior felony convictions-i.e. those in the Circuit Court in and for Dade County

NON-COMPLIANCE OF S.D. Fla. L.R. 5.141

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*[Handwritten signature]*  
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Florida-when such evidence of Defendant's convictions would not independently be admissible as to Counts I through III.

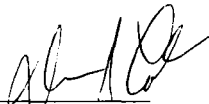
3. That, therefore, to not sever Count IV would allow the jury to use evidence of one crime to infer a criminal disposition of Defendant as to another crime.

4. That the failure to sever Count IV from Counts I through III will result in a specific and compelling prejudice to Defendant.

5. That to not sever Count IV would unfairly prejudice Defendant and deny him a fair and impartial trial.

**WHEREFORE**, Defendant respectfully prays this Honorable Court enter an order severing Count IV from Counts I through III and order a separate trial as to Count IV.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was mailed on the 17th day of August 2000 to Donald F. Chase, II, Assistant United States Attorney, 500 East Broward Boulevard, Suite 700, Fort Lauderdale Fl 33394.



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